



राजपत्र, हिमाचल प्रदेश (अमाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बृहस्पतिवार, 19 अक्टूबर, 1972/27 अक्टूबर, 1894

GOVERNMENT OF HIMACHAL PRADESH

LABOUR DEPARTMENT

NOTIFICATION

Simla-2, the 11th April, 1972

No. 13-8/70-SI.—The following Draft Rules which the Governor of Himachal Pradesh proposes to make in exercise of the powers conferred by section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970) are published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration within 90 days from the publication of these rules in the Rajpatra.

Any objection or suggestion which may be received from any person or body with respect to the said draft before the date so specified will be considered by the Himachal Pradesh Government. Objections and suggestions in this behalf may be sent to the Labour Commissioner, Government of Himachal Pradesh, Simla-1, under registered cover.

DRAFT RULES**CHAPTER I**

1. *Short title and commencement.*—(1) These rules may be called the Contract Labour (Regulation and Abolition) Himachal Pradesh Rules, 1971.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*—In these rules, unless the subject or context otherwise requires:—

- (a) "Act" means the Contract Labour (Regulation and Abolition) Act, 1970;
- (b) "Appellate Officer" means the Appellate Officer appointed by the State Government under sub-section (1) of section 15;
- (c) "Board" means the State Advisory Contract Labour Board constituted under section 4;
- (d) "Chairman" means the Chairman of the Board;
- (e) "Committee" means a Committee constituted under sub-section (1) of section 5;
- (f) "form" means a form appended to these rules;
- (g) "section" means a section of the Act;
- (h) "State Government" means Government of Himachal Pradesh; and
- (i) Words and expressions used in these rules and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

CHAPTER II
STATE BOARD

3. *Constitution of the State Advisory Contract Labour Board.*—The Board shall consist of the following Members:—

- (a) a Chairman to be appointed by the State Government;
- (b) the Labour Commissioner, Himachal Pradesh (*ex-officio*);
- (c) one person representing the State Government to be appointed by the State Government from amongst its officials;
- (d) one person representing the State Public Sector Undertakings appointed by the State Government after consultation with that undertaking;
- (e) four persons, one representing the employers in (i) Public Works Department, Himachal Pradesh Government, (ii) one representing the employers in the Departments of Multipurpose Projects and Power and Forests, Himachal Pradesh Government and two representing contractors to whom the Act applies, to be appointed by the State Government after consultation with such organisations, if any, of the employers and the contractors as may be recognised by the State Government in this behalf;
- (f) five persons, one representing the employees in the (i) Public Works Department, Himachal Pradesh, one representing the employees in the (ii) Departments of Multipurpose Projects and Power, Forestry and Timbering operations and two representing the employees of contractors to whom this Act applies, to be appointed by the State Government after consultation with such organisations, if any, of employees representing the respective interest as may be recognised by the State Government.

4. Terms of office.—(1) The Chairman of the Board shall hold office as such for a period of three years from the date on which his appointment is first notified in the Official Gazette.

(2) Each of the members of the Board, referred to in clauses (c) and (d) of rule 3, shall hold office as such during the pleasure of the State Government.

(3) Each of the members referred to in clauses (e) and (f) of rule 3 shall hold office as such for period of three years commencing from the date on which his appointment is first notified in the Official Gazette:

Provided that where the successor of any such member has not been notified in the Official Gazette on or before the expiry of the said period of three years, such member shall, notwithstanding the expiry of the period of his office, continue to hold such office until the appointment of his successor has been notified in the Official Gazette.

(4) If a member is unable to attend a meeting of the Board, the State Government or the body which appointed or nominated him may, by notice in writing signed on its behalf and by such member and addressed to the Chairman of the said Board, nominate a substitute in his place to attend the meeting and such a substitute member shall have all the rights of a member in respect of that meeting and any decision taken at the meeting shall be binding on the said body.

5. Resignation.—A member of the Board, not being an *ex-officio* member, may resign his office by a letter in writing addressed to the State Government and on such resignation being accepted by that Government, his office shall fall vacant on the date on which such resignation is accepted.

6. Cessation of membership.—If any member of the Board, not being an *ex-officio* member, fails to attend three consecutive meetings of the Board, without obtaining the leave of the Chairman for such absence, he shall cease to be a member of the Board:

Provided that the State Government may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Board, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of the Board.

7. Disqualification for membership.—(1) A person shall be disqualified for re-appointment, and for being, a member of the Board:—

(i) if he is of unsound mind and stands so declared by a competent Court; or

(ii) if he is an undischarged insolvent; or

(iii) if he has been or is convicted of an offence which in the opinion of the State Government, involves moral turpitude.

(2) If a question arises as to whether a disqualification has been incurred under sub-rule (1), the State Government shall decide the same.

8. Removal from membership.—The State Government may remove from office any member of the Board, if in its opinion such a member ceased to represent the interest which he purports to represent on the Board:

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making any representation against the proposed action.

9. Vacancy.—When a vacancy occurs or is likely to occur in the membership of the Board, the Chairman shall submit a report to the State Government and on receipt of such report the State Government shall take steps to fill the vacancy by making an appointment from amongst the category

of persons to which the person vacating membership belonged and the person so appointed shall hold office for the remainder of the term of office of the member in whose place he is appointed.

10. Staff.—(1) (i) The State Government may appoint one of its officials as Secretary to the Board and appoint such other staff as it may think necessary to enable the Board to carry out its functions.

(ii) The salaries and allowances payable to the staff and the other conditions of service of such staff shall be such as may be decided by the State Government.

(2) **The Secretary**—

(i) shall assist the Chairman in convening meetings of the Board;

(ii) may attend the meetings but shall not be entitled to vote at such meetings;

(iii) shall keep a record of the minutes of such meetings; and

(iv) shall take necessary measures to carry out the decisions taken at the meetings of the Board.

11. Allowances of Members.—(1) The travelling allowance of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(2) The non-official members of the Board shall be paid travelling allowance for attending the meeting of the Board at such rates as are admissible to Grade I officers of the State Government and daily allowances shall be calculated at the maximum rate admissible to Grade I officers of the State Government in their respective places.

12. Disposal of business.—Every question which the Board is required to take into consideration shall be considered at a meeting, or, if the Chairman so directs by sending the necessary papers to every member for opinion, and the question shall be disposed of in accordance with the decision of the majority:

Provided that in the case of equality of votes, the Chairman shall have a second or a casting vote.

Explanation.—“Chairman” for the purposes of this rule shall include the Chairman nominated under rule 13 to preside over a meeting.

13. Meetings.—(1) The Board shall meet at such places and times as may be specified by the Chairman.

(2) The Chairman shall preside over every meeting of the Board at which he is present and in his absence nominate a member of the Board to preside over such meeting.

14. Notice of meetings and list of business.—(1) Ordinarily seven days notice shall be given to the members of a proposed meeting.

(2) No business which is not on the list of business for meeting shall be considered at that meeting without the permission of the Chairman.

15. Quorum.—No business shall be transacted at any meeting unless at least five members are present:

Provided that if at any meeting less than five members are present, the Chairman may adjourn the meeting to another date informing members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending.

16. Committees of the Board.—(1) (i) The Board may constitute such Committees and for such purposes or purposes as it may think fit.

(ii) While constituting the Committee the Board may nominate one of its members to be the Chairman of the Committee.

(2) The Committee shall meet at such times and places as the Chairman of the said Committee may decide and the Committee shall observe such rules of procedure in regard to the transaction of business at its meeting as it may decide upon.

(3) The provisions of rule 11 shall apply to the members of the Committee for attending the meetings of the Committee as they apply to the members of the Board.

CHAPTER III REGISTRATION AND LICENSING

17. Manner of making application for registration of establishments.—(1) The application referred to in sub-section (1) of section 7 shall be made in triplicate, in Form I to the registering officer of the area in which the establishment sought to be registered is located.

(2) The application referred to in sub-rule (1) shall be accompanied by a treasury receipt showing payment of the fees for the registration of the establishment.

(3) Every application referred to in sub-rule (1) shall be neither personally delivered to the registering officer or sent to him by registered post.

(4) On receipt of the application referred to in sub-rule (1), the registering officer shall, after noting thereon the date of receipt by him of the application, grant an acknowledgement to the applicant.

18. Grant of certificate of registration.—(1) The certificate of registration granted under sub-section (2) of section 7 shall be in Form No. II.

(2) Every certificate of registration granted under sub-section (2) of section 7 shall contain the following particulars, namely:—

(a) the name and address of the establishment;

(b) the maximum number of workmen to be employed as contract labour in the establishment;

(c) the type of business, trade, industry, manufacture or occupation which is carried on in the establishment;

(d) such other particulars as may be relevant to the employment of contract labour in the establishment.

(3) The registering officer shall maintain a register in Form III showing the particulars of establishments in relation to which certificates of registration have been issued by him.

(4) If, in relation to an establishment, there is any changes in the particulars specified in the certificate of registration, the principal employer of the establishment shall intimate to the registering officer, within thirty days from the date when such change takes place, the particulars of, and the reasons for, such change.

19. Circumstances in which application for registration may be rejected.—(1) If any application for registration is not complete in all respects, the registering officer shall require the principal employer to amend the application so as to make it complete in all respects.

(2) If the principal employer, on being required under sub-rule (1) by the registering officer to amend the application for registration, omits or fails to do so, the registering officer shall reject the application for registration.

20. Amendment of certificate of registration.—(1) Where, on receipt of the intimation under sub-rule (4) of rule 18, the registering officer is satisfied that an amount higher than the amount which has been paid by the principal employer as fees for the registration of the establishment is payable, he shall require such principal employer to deposit a sum which, together with the amount already paid by such principal employer, would be equal to such higher amount of fees payable for the registration of the establishment and to produce the treasury receipt showing such deposit.

(2) Where, on receipt of the intimation referred to in sub-rule (4) of rule 18, the registering officer is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in Form III, he shall amend the said register and record therein the change which has occurred:

Provided that no such amendment shall affect anything done or any action taken or any right, obligation or liability acquired or incurred before such amendment:

Provided further that the registering officer shall not carry out any amendment in the register in Form III unless the appropriate fees have been deposited by the principal employer.

21. Application for a licence.—(1) Every application by a contractor for the grant of a licence shall be made in triplicate, in Form IV, to the licensing officer of the area in which the establishment, in relation to which he is the contractor, is located.

(2) Every application for the grant of licence shall be accompanied by a certificate by the principal employer in Form V to the effect that the applicant has been employed by him as a contractor in relation to his establishment and that he undertakes to be bound by all the provisions of the Act and the rules made thereunder in so far as the provisions are applicable to him as principal employer in respect of the employment of the contract labour by the applicant.

(3) Every such application shall be either personally delivered to the licensing officer or sent to him by registered post.

(4) On receipt of the application referred to in sub-rule (1), the licensing officer shall, after noting thereon the date of receipt of the application, grant an acknowledgement to the applicant.

(5) Every application referred to in sub-rule (1) shall also be accompanied by a treasury receipt showing:—

- (i) the deposit of the security at the rates specified in rule 24, and
- (ii) the payment of the fees at the rates specified in rule 26.

22. Matters to be taken into account in granting or refusing a licence.—In granting or refusing to grant a licence, the licensing officer shall take the following matters into account, namely:—

(a) whether the applicant—

- (i) is a minor; or
- (ii) is of unsound mind and stands so declared by a competent court; or
- (iii) is un-discharged insolvent; or
- (iv) has been convicted (at any time during a period of five years immediately preceding the date of application) of an offence which, in the opinion of the State Government, involves moral turpitude;
- (b) whether there is an order of the appropriate Government or an award or settlement for the abolition of contract labour in respect of the particular type of work in the establishment for which the applicant is a contractor;

- (c) whether any order has been made in respect of the applicant under sub-section (1) of section 14, and, if so, whether a period of three years has elapsed from the date of that order;
- (d) whether the fees for the application have been deposited at the rates specified in rule 26; and
- (e) whether security has been deposited by the applicant at the rates specified in rule 24.

23. Refusal to grant licence.—(1) On receipt of the application, and as soon as possible thereafter, the licensing officer shall make such enquiry as he considers necessary to satisfy himself about the eligibility of the applicant for a licence.

(2) (i) Where the licensing officer is of the opinion that the licence should not be granted, he shall after affording reasonable opportunity to the applicant to be heard make an order rejecting the application.

(ii) The order shall record the reasons for the refusal and shall be communicated to the applicant.

24. Security.—(1) Before a licence is issued, an amount calculated at the rate of Rs. 30 for each of the workman to be employed as contract labour, in respect of the workman to be employed as contract labour, in respect of which the application for licence has been made, shall be deposited by the contractor for the performance of the conditions of the licence and compliance with the provisions of the Act or the rules made thereunder.

(2) The amount of security deposit shall be paid in the local treasury under the Head of Account "Section-T—Deposits and Advances-Part II—Deposits not bearing interest (c) other deposit accounts—Departmental and Judicial Deposits-Civil Deposits—Deposits, under the Contract Labour Regulation and Abolition Act, 1970—Provincial—Himachal Pradesh".

25. Form and terms and conditions of licence.—(1) Every licence granted under sub-section (1) of section 12 shall be in Form VI.

(2) Every licence granted under sub-rule (1) or renewed under rule 29 shall be subject to the following conditions, namely:—

- (i) the licence shall be non-transferable;
- (ii) the number of workmen employed as contract labour in the establishment shall not, on any day, exceed the maximum number specified in the licence;
- (iii) save as provided in these rules, the fees paid for the grant, or as the case may be, for renewal of the licence shall be non-refundable;
- (iv) the rates of wages payable to the workmen by the contractor shall not be less than the rates, prescribed under the Minimum Wages Act, 1948 (11 of 1948) for such employment where applicable, and where the rates have been fixed by the agreement, settlement or award, not less than the rates so fixed;
- (v) (a) in cases where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, the hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work:

Provided that in the case of any disagreement with regard to the type of work the same shall be decided by the Labour Commissioner, Himachal Pradesh whose decision shall be final;

- (b) in other cases the wage rates, holidays, hours of work and conditions of service of the workmen of the contractor shall be such as may be specified in this behalf by the Labour Commissioner, Himachal Pradesh;

Explanation.—While determining the wage rates, holidays, the hours of work and other conditions of service under (b) above, the Labour Commissioner, Himachal Pradesh shall have due regard to the wage rates, holidays, hours of work and other conditions of service obtaining in similar employments;

- (vii) (a) in every establishment where twenty or more women are ordinarily employed as contract labour, there shall be provided two rooms of reasonable dimensions for the use of their children under the age of six years;
- (b) one of such rooms shall be used as a play room for the children and the other as bed room for the children;
- (c) the contractor shall supply adequate number of toys and games in the play room and sufficient number of cots and beddings in the sleeping room;
- (d) the standard of construction and maintenance of the creches shall be such as may be specified in this behalf by the Labour Commissioner, Himachal Pradesh;
- (viii) the licence shall notify any change in the number of workmen or the conditions of work to the licensing officer.

26. *Fees.*—(1) The fees to be paid for the grant of a certificate of registration under section 7 shall be as specified below, namely:—

- (i) If the number of workmen proposed to be employed on contract on any day—
- | | | |
|---|----|---------|
| (a) is 20 | .. | Rs. 20 |
| (b) exceeds 20 but does not exceed 50 | .. | Rs. 50 |
| (c) exceeds 50 but does not exceed 100 | .. | Rs. 100 |
| (d) exceeds 100 but does not exceed 200 | .. | Rs. 200 |
| (e) exceeds 200 but does not exceed 400 | .. | Rs. 400 |
| (f) exceeds 400 | .. | Rs. 500 |

(2) The fees to be paid for the grant of a licence under section 12 shall be as specified below:—

- If the number of workmen employed by the contractor on any day:—
- | | | |
|---|----|------------|
| (a) is 20 | .. | Rs. 5.00 |
| (b) exceeds 20 but does not exceed 50 | .. | Rs. 12.50 |
| (c) exceeds 50 but does not exceed 100 | .. | Rs. 25.00 |
| (d) exceeds 100 but does not exceed 200 | .. | Rs. 50.00 |
| (e) exceeds 200 but does not exceed 400 | .. | Rs. 100.00 |
| (f) exceeds 400 | .. | Rs. 125.00 |

27. *Validity of the licence.*—Every licence granted under rule 25 or renewed under rule 29 shall remain in force for twelve months from the date it is granted or renewed.

28. *Amendment of the licence.*—(1) A licence issued under rule 25 or renewed under rule 29 may, for good and sufficient reasons, be amended by the licensing officer.

(2) The contractor who desires to have the licence amended shall submit to the licensing officer an application stating the nature of the amendment and reasons therefor.

(3) (i) If the licensing officer allows the application he shall require the applicant to furnish a treasury receipt for the amount, if any, by which

the fees that would have been payable if the licence had been originally issued in the amended form exceeds the fees originally paid for the licence.

(ii) On the applicant furnishing the requisite treasury receipt the licence shall be amended according to the orders of the licensing officer.

(4) Where the application for amendment is refused, the licensing officer shall record the reasons for such refusal and communicate the same to the applicant.

29. Renewal of Licence.—(1) Every contractor shall apply to the licensing officer for renewal of the licence.

(2) Every such application shall be in Form No. VII in triplicate and shall be made not less than thirty days before the date on which the licence expires, and if the application is so made, the licence shall be deemed to have been renewed until such date when the renewed licence is issued.

(3) The fees chargeable for renewal of the licence shall be the same as for the grant thereof:

Provided that if the application for renewal is not received within the time specified in sub-rule (2), a fee of 25 per cent in excess of the fee ordinarily payable for the licence shall be payable for such renewal:

Provided further that in case where the licensing officer is satisfied that the delay in submission of the application is due to unavoidable circumstances beyond the control of the contractor, he may reduce or remit as he thinks fit the payment of such excess fee.

30. Issue of duplicate certificate of registration or licence.—Where a certificate of registration or a licence granted or renewed under the preceding rules has been lost, defaced or accidentally destroyed, a duplicate may be granted on payment of fees of rupees five.

31. Refund of security.—(1) (i) On expiry of the period of licence the contractor may, if he does not intend to have his licence renewed, make an application to the licensing officer for the refund of the security deposited by him under rule 24.

(ii) If the licensing officer is satisfied that there is no breach of the conditions of licence or there is no order under section 14 for the forfeiture of security or any portion thereof, he shall direct the refund of the security to the applicant.

(2) If there is any order directing the forfeiture of any portion of the security, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, refunded to the applicant.

(3) Any application for refund shall, as far as possible be disposed of within 60 days of the receipt of the application.

32. Grant of temporary certificate of registration and licence.—(1) Where conditions arise in an establishment requiring the employment of contract labour immediately and such employment is estimated to last for not more than fifteen days, the principal employer of the establishment or the contractor, as the case may be, may apply for a temporary certificate or registration or licence to the registering officer or the licensing officer, as the case may be, having jurisdiction over the area in which the establishment is situated.

(2) The application for such temporary certificate of registration or licence shall be made in triplicate in Form VIII and X respectively and shall be accompanied by a treasury receipt or a crossed postal order drawn in favour of the appropriate registering or licensing officer, as the case may be, showing the payment of appropriate fees and in the case of licence the appropriate amount of security also.

(3) On receipt of the application, complete in all respects and on being satisfied either on affidavit by the applicant or otherwise that the work in respect of which the application has been made would be finished in a period of fifteen days and was of a nature which could not but be carried out immediately, the registering officer or the licensing officer, as the case may be, shall forthwith grant a certificate of registration in Form IX or a licence in Form XI, as the case may be, for a period of not more than fifteen days.

(4) Where a certificate of registration or licence is not granted the reasons therefor shall be recorded by the registering officer or the licensing officer, as the case may be.

(5) On the expiry of the validity of the registration certificate the establishment shall cease to employ in the establishment contract labour in respect of which the certificate was given.

(6) The fees to be paid for the grant of the certificate of registration under sub-rule (3) shall be as specified below:—

If the number of workmen proposed to be employed on contract on any day—

(a) exceeds 20 but does not exceed 50	..	Rs. 10.00
(b) exceeds 50 but does not exceed 200	..	Rs. 20.00
(c) exceeds 200	..	Rs. 30.00

(7) The fees to be paid for the grant of a licence under sub-rule (3) shall be as specified below:—

If the number of workmen to be employed by the contractor on any day—

(a) exceeds 20 but does not exceed 50	..	Rs. 5.00
(b) exceeds 50 but does not exceed 200	..	Rs. 20.00
(c) exceeds 200	..	Rs. 30.00

(8) The provisions of rules 23 and 24 shall apply to the refusal to grant licence or to grant licence under sub-rule (4) and sub-rule (3) respectively.

CHAPTER IV

APPEALS AND PROCEDURE

33. (1) (i) Every appeal under sub-section (1) of section 15 shall be preferred in the form of a memorandum signed by the applicant or his authorised agent and presented to the appellate officer in person or sent to him by registered post.

(ii) The memorandum shall be accompanied by a certified copy of the order appealed from and a treasury receipt for Rs. 10.

(2) The memorandum shall set forth concisely and under distinct heads the grounds of appeal to the order appealed from.

34. (1) Where the memorandum of appeal does not comply with the provisions of sub-rule (2) of rule 33 it may be rejected or returned to appellant for the purpose of being amended within a time to be fixed by the Appellate officer.

(2) Where the appellate officer rejects the memorandum under sub-rule (1) he shall record the reason for such rejection, and communicate the order to the appellant.

(3) Where the memorandum of appeal is in order the appellate officer shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in a book to be kept for the purpose called the Register of Appeals.

(4) (i) When the appeal has been admitted, the appellate officer shall send the notice of the appeal to the registering officer or the licensing officer as the case may be, from whose order the appeal has been preferred and the registering officer or the licensing officer shall send the record of the case to the appellate officer.

(ii) On receipt of the record, the appellate officer shall send a notice to the appellant to appear before him at such date and time as may be specified in the notice for the hearing of the appeal.

35. If on the date fixed for hearing, the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellant.

36. (i) Where an appeal has been dismissed under rule 35 the appellant may apply to the appellate officer for the re-admission of the appeal, and where it is proved that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing, the appellate officer shall restore the appeal on its original number.

(ii) Such an application shall, unless the appellate officer extends the time for sufficient reason, be made within 30 days of the date of dismissal.

37. (1) If the appellant is present when the appeal is called on for hearing, the appellate officer shall proceed to hear the appellant or his authorised agent and any other person summoned by him for this purpose, and pronounce judgement on the appeal, either confirming, reversing or varying the order appealed from.

(2) The judgement of the appellate officer shall state the points for determination, the decisions thereon and the reasons for the decisions.

(3) The order shall be communicated to the appellant and copy thereof shall be sent to the registering officer or the licensing officer from whose order the appeal has been preferred.

38. *Payment of Fees.*—Unless otherwise provided in these rules all fees to be paid under these rules shall be paid in the local treasury under the Head of Account "XXXII—Miscellaneous Social and Development Organisations—Labour and Employment—Fee realised under the Contract Labour (Regulation and Abolition) Act, 1970", and a treasury receipt obtained which shall be submitted with the application or the memorandum of appeal as the case may be.

39. *Copies.*—Copy of the order of the registering officer, licensing officer or the appellate officer may be obtained on payment of fees of rupees two for each order on an application specifying the date and other particulars of the order, made to the officer concerned.

CHAPTER V

WELFARE AND HEALTH OF CONTRACT LABOUR

40. (1) The facilities required to be provided under section 18 and 19 of the Act, namely sufficient supply of wholesome drinking water, a sufficient number of latrines and urinals, washing facilities and first-aid facilities, shall be provided by the contractor in the case of the existing establishments within seven days of the commencing of these rules and in the case of new establishments within seven days of the commencement of the employment of contract labour therein.

(2) If any of the facility mentioned in sub-rule (1) is not provided by the contractor within the period prescribed the same shall be provided by the principal employer within seven days of the expiry of the period laid down in the said sub-rule.

41. Rest rooms.—(1) In every place wherein contract labour is required to halt at night in connection with the working of the establishment to which the Act applies and in which employment of contract labour is likely to continue for 3 months or more the contractor shall provide and maintain rest rooms or other suitable alternative accommodation within fifteen days of the coming into force of the rules in the case of existing establishments, and within fifteen days of the commencement of the employment of contract labour in new establishments.

(2) If the amenity referred to in sub-rule (1) is not provided by the contractor within the period prescribed the principal employer shall provide the same within a period of fifteen days of the expiry of the period laid down in the said sub-rule.

(3) Separate rooms shall be provided for women employees.

(4) Effective and suitable provision shall be made in every room for securing and maintaining adequate ventilation by the circulation of fresh air and there shall also be provided and maintained sufficient and suitable natural or artificial lighting.

(5) The rest room or rooms or other suitable alternative accommodation shall be of such dimensions so as to provide at least a floor area of 1.1 square metre for each person making use of the rest room.

(6) The rest room or rooms or other suitable alternative accommodation shall be so constructed as to afford adequate protection against heat, wind, rain and shall have smooth, hard and impervious floor surface.

(7) The rest room or other suitable alternative accommodation shall be at a convenient distance from the establishment and shall have adequate supply of wholesome drinking water.

42. Canteens.—(1) In every establishment to which the Act applies and wherein work regarding the employment of contract labour is likely to continue for six months and wherein contract labour numbering one hundred or more are ordinarily employed an adequate canteen shall be provided by the contractor for the use of such contract labour within sixty days of the date of coming into force of the rules in the case of the existing establishments and within sixty days of the commencement of the employment of contract labour in the case of new establishments.

(2) If the contractor fails to provide the canteen within the time laid down the same shall be provided by the principal employer within sixty days of the expiry of the time allowed to the contractor.

(3) The canteen shall be maintained by the contractor or principal employer, as the case may be, in an efficient manner.

43. (1) The canteen shall consist of at least a dining hall, kitchen, store room, pantry and washing places separately for workers and for utensils.

(2) (i) The canteen shall be sufficiently lighted at all times when any person has access to it.

(ii) The floor shall be made of smooth and impervious material and inside walls shall be lime washed or colour washed at least once in each year:

Provided that the inside walls of the kitchen shall be lime-washed every four months.

(3) (i) The precincts of the canteen shall be maintained in a clean and sanitary condition.

(ii) Waste water shall be carried away in suitable covered drains and shall not be allowed to accumulate so as to cause a nuisance.

(iii) Suitable arrangements shall be made for the collection and disposal of garbage.

44. Dining hall.—(1) The dining hall shall accommodate at a time at least 30 per cent of the contract labour working at a time.

(2) The floor area of the dining hall excluding the area occupied by the service counter and any furniture except tables and chairs shall be not less than one square meter per diner to be accommodated as prescribed in sub-rule (1).

(3) (i) A portion of the dining hall and service counter shall be partitioned off and reserved for women workers, in proportion to their number.

(ii) Washing places for women shall be separate and screened to secure privacy.

(4) Sufficient tables, stools, chairs or benches shall be available for the number of dinners to be accommodated as prescribed in sub-rule (1).

45. Equipment.—(1) (i) There shall be provided and maintained sufficient utensils, crockery, cutlery, furniture and any other equipment necessary for the efficient running of the canteen.

(ii) The furniture, utensils and other equipment shall be maintained in a clean and hygienic condition.

(2) (i) Suitable clean clothes for the employees serving in the canteen shall also be provided and maintained.

(ii) A service counter, if provided, shall have top of smooth and impervious material.

(iii) Suitable facilities including an adequate supply of hot water shall be provided for the cleaning of utensils and equipment.

46. Foodstuffs.—The foodstuffs and other items to be served in the canteen shall be in conformity with the normal habits of the contract labour.

47. Charge.—The charges for foodstuffs, beverages and any other items served in the canteen shall be based on "no profit, no loss" and shall be conspicuously displayed in the canteen.

48. In arriving at the prices of foodstuffs and other articles served in the canteen the following items shall not be taken into consideration as expenditure, namely:—

(a) the rent for the land and building;

(b) the depreciation and maintenance charges for the building and equipment provided for in the canteen;

(c) the cost of purchase, repairs and replacement of equipments including furniture, crockery, cutlery and utensils;

(d) the water charges and other charges incurred for lighting and ventilation;

(e) the interest on the amounts spent on the provision and maintenance of furniture and equipment provided for in the canteen.

49. Books of accounts of canteens.—The books of accounts and registers and other documents used in connection with the running of the canteen shall be produced on demand to an Inspector.

50. Audit of account books of canteens.—The accounts pertaining to the canteen shall be audited once every 12 months by registered accountant and auditors:

Provided that the Labour Commissioner, Himachal Pradesh may approve of any other person to audit the accounts, if he is satisfied that it is not feasible to appoint a registered accountant and auditor in view of the site or the location of the canteen.

51. Latrines and Urinals.—Latrines shall be provided in every establishment coming within the scope of the Act on the following scale, namely:—

- (a) where females are employed, there shall be at least one latrine for every 23 females;
- (b) where males are employed, there shall be at least one latrine for every 25 males:

Provided that where the number of males or females exceeds 100, it shall be sufficient if there is one latrine for every 25 males or females, as the case may be, upto the first 100, and one for every 50 thereafter.

52. Every latrine shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings.

53. (1) Where workers of both sexes are employed there shall be displayed outside each block of latrine and urinal a notice in the language understood by the majority of the workers "FOR MEN ONLY" or "FOR WOMEN ONLY", as the case may be.

(2) The notice shall also bear the figure of a man or of a woman, as the case may be.

54. There shall be at least one urinal for male workers upto 50 and one for female workers upto fifty employed at a time:

Provided that where the number of male or female workmen, as the case may be, exceeds 500 it shall be sufficient if there is one urinal for every 50 males or females upto the first 500 and one for every 100 or part thereof thereafter.

55. (1) The latrines and urinals shall be conveniently situated and accessible to workers at all times at the establishment.

(2) (i) The latrines and urinals shall be adequately lighted and shall be maintained in a clean and sanitary condition at all times.

(ii) Latrines and urinals other than those connected with a flush sewage system shall comply with the requirements of the public health authorities.

56. Water shall be provided by the means of tap or otherwise so as to be conveniently accessible in or near the latrine and urinals.

57. *Washing facilities.*—(1) In every establishment coming within the scope of the Act adequate and suitable facilities for washing shall be provided and maintained for the use of contract labour employed therein.

(2) Separate and adequate screening facilities shall be provided for the use of male and female workers.

(3) Such facilities shall be conveniently accessible and shall be kept in clean and hygienic condition.

58. *First-aid facilities.*—In every establishment coming within the scope of the Act there shall be provided and maintained so, as to be readily accessible during all working hours first-aid boxes at the rate of not less than one box for 150 contract labour or part thereof ordinarily employed.

59. (1) The first-aid box shall be distinctively marked with a red cross on a white ground and shall contain the following equipment, namely:—

A. For establishments in which the number of contract labour employed does not exceed fifty:—

Each first-aid box shall contain the following equipment:—

- (i) six small sterilized dressings;
- (ii) three medium size sterilized dressings;
- (iii) three large size sterilized dressings;
- (iv) three large sterilized burn dressings;
- (v) one (30 ml.) bottle containing a two per cent, alcoholic solution of iodine;

- (vi) one (30 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label;
- (vii) one snake-bite lancet;
- (viii) one (30 gm.) bottle of potassium permanganate crystals;
- (ix) one pair scissors;
- (x) one copy of the first-aid leaflet issued by the Director General, Factory Advice Service and Labour Institutes, Government of India;
- (xi) a bottle containing 100 tablets (each of five grains) of aspirin;
- (xii) ointment for burns;
- (xiii) a bottle of suitable surgical anti-septic solution.

B. For establishments in each the number of contract labour exceed fifty:—

- Each first-aid box shall contain the following equipments:—
- (i) 12 small sterilized dressings;
 - (ii) six medium size sterilized dressings;
 - (iii) six large size sterilized dressings;
 - (iv) six large size sterilized burn dressings;
 - (v) six (15 gm.) packets sterilized cotton wool;
 - (vi) one (60 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label;
 - (vii) one (60 ml.) bottle containing a two per cent alcoholic solution iodine;
 - (viii) one roll of adhesive plaster;
 - (ix) a snake-bite lancet;
 - (x) one (30 gm.) bottle of potassium permanganate crystals;
 - (xi) one pair scissors;
 - (xii) one copy of the first aid leaflet issued by the Director General, Factory Advice Service and Labour Institutes, Government of India;
 - (xiii) a bottle containing 100 tablets (each of 5 grains) of aspirin;
 - (xiv) ointment for burns;
 - (xv) a bottle of a suitable surgical anti-septic solution.

(2) Adequate arrangement shall be made for immediate recoupment of the equipment when necessary.

60. Nothing except the prescribed contents shall be kept in the first-aid box.

61. The first-aid box shall be kept in charge of a responsible person who shall always be readily available during the working hours of the establishment.

62. A person in charge of the first-aid box shall be a person trained in first-aid treatment, in establishments where the number of contract labour employed in 150 or more.

CHAPTER VI WAGES

63. The contractor shall fix wage periods in respect of which wages shall be payable.

64. No wage period shall exceed one month.

65. The wages of every person employed as contract labour in an establishment or by a contractor where less than one thousand such persons are employed shall be paid before the expiry of the seventh day and in other

cases before the expiry of tenth day after the last day of the wage period in respect of which the wages are payable.

66. Where the employment of any worker is terminated by or on behalf of the contractor the wages earned by him shall be paid before the expiry of the second working day from the day on which his employment is terminated.

67. All payments of wages shall be made on a working day at the work premises and during the working time and on a date notified in advance and in case the work is completed before the expiry of the wage period, final payment shall be made within 48 hours of the last working day.

68. Wages due to every worker shall be paid to him direct or to other person authorised by him in this behalf.

69. All wages shall be paid in current coin or currency or in both.

70. Wages shall be paid without any deductions of any kind except those specified by the State Government by general or special order in this behalf or permissible under the Payment of Wages Act, 1936 (4 of 1936).

71. A notice showing the wage period and the place and time of disbursement of wages shall be displayed at the place of work and a copy sent by the contractor to the principal employer under acknowledgement.

72. The principal employer shall ensure the presence of his authorised representative at the place and time of disbursement of wages by the contractor to workmen and it shall be the duty of the contractor to ensure the disbursement of wages in the presence of such authorised representative.

73. The authorised representative of the principal employer shall record under his signature a certificate at the end of the entries in the Register of Wages or the Wages-cum-Muster Roll, as the case may be, in the following form:—

“Certified that the amount shown in column No.... has been paid to the workman concerned in my presence on.....at.....”

CHAPTER VII REGISTERS AND RECORDS AND COLLECTION OF STATISTICS

74. *Register of contractors.*—Every principal employer shall maintain in respect of each registered establishment a register of contractors in Form XII.

75. *Register of persons employed.*—Every contractor shall maintain in respect of each registered establishment where he employs contract labour a register in Form XIII.

76. *Employment card.*—(i) Every contractor shall issue an employment card in Form XIV to each worker within three days of the employment of the worker.

(ii) The card shall be maintained up-to-date and any change in the particulars shall be entered therein.

77. *Service Certificate.*—On termination of employment for any reason whatsoever the contractor shall issue to the workman whose services have been terminated a Service Certificate in Form XV.

78. *Muster Roll, Wages Registers, Deduction Register and Over-time Register.*—(1) In respect of establishments which are governed by the Payment of Wages Act, 1936 (4 of 1936) and the rules made thereunder, or

the Minimum Wages Act, 1948 (11 of 1948) or the rules made thereunder, the following registers and records required to be maintained by the contractor as employer under those Acts and the rules made thereunder shall be deemed to be registers and records to be maintained by the contractor under these rules:—

- (a) Muster roll;
- (b) Register of wages;
- (c) Register of deductions;
- (d) Register of overtime;
- (e) Register of fines;
- (f) Register of advances.

(2) In respect of establishments not covered under sub-rule (1), the following provisions shall apply, namely:—

(a) every contractor shall maintain a Muster Roll Register and a Register of Wages in Form XVI and Form XVII respectively:

Provided that a combined muster roll-cum-wages register in Form XVIII shall be maintained by the contractor where the wage period is a fortnight or less;

(b) where the wage period is one week or more the contractor shall issue wage slips in Form XIX to the workers at least a day prior to the disbursement of wages;

(c) signature or thumb impression of every worker on the register of wages or wages-cum-muster roll as the case may be, shall be obtained and entries therein, shall be authenticated by the initials of the contractor or his representative and duly certified by the authorised representative of the principal employer as required by rule 73;

(d) *Registers of deductions, fines and advances.*—Registers of deductions for damage or loss, register of fines and register of advances shall be maintained by every contractor in Forms XX, XXI and XXII respectively;

(e) *Register of overtime.*—A register of overtime shall be maintained by every contractor in Form XXIII to record therein number of hours and wages paid for overtime work, if any.

(3) Notwithstanding anything contained in these rules, where a combined or alternative form is sought to be used by the contractor to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder or any other laws or regulations or in cases where mechanised pay rolls are introduced for better administration, alternative suitable form or forms in lieu of any of the forms prescribed under these rules, may be used with the previous approval of the Labour Commissioner, Himachal Pradesh.

79. Every contractor shall display an abstract of the Act and rules in English and Hindi and in the language spoken by the majority of workers in such form as may be approved by the Labour Commissioner, Himachal Pradesh.

80. (1) All registers and other records required to be maintained, under the Act and rules shall be maintained complete and up-to-date, and, unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the workplace or at a place within a radius of three kilometres.

(2) Such registers shall be maintained legibly in English or Hindi.

(3) All the registers and other records shall be preserved in original for a period of three calendar years from the date of last entry therein.

(4) All the registers, records and notices maintained under the Act or rules shall be produced on demand before the Inspector or any other authority under the Act or any person authorised in that behalf by the State Government.

(5) Where no deduction or fine has been imposed or no overtime has been worked during any wage period, a 'nil' entry shall be made across the body of the register at the end of the wage period indicating also in precise terms the wage period to which the 'nil' entry relates, in the respective registers maintained in Forms XX, XXI and XXIII respectively.

81. (1) (i) Notices showing the rates of wages, hours of work, wage periods, dates of payment of wages, names and addresses of the Inspectors having jurisdiction, and date of payment of unpaid wages, shall be displayed in English and in Hindi and in the local language understood by the majority of the workers in conspicuous places at the establishment and the work-site by the principal employer or the contractor, as the case may be.

(ii) The notices shall be correctly maintained in a clean and legible condition.

(2) A copy of the notice shall be sent to the Inspector and whenever any changes occur the same shall be communicated to him forthwith.

82. (1) Every contractor shall send half yearly return in Form XXIV (in duplicate) so as to reach the Licensing Officer concerned not later than thirty days from the close of the half year.

Note.— Half year for the purpose of this rule means "a period of 6 months commencing from 1st January and 1st July of every year".

(2) Every principal employer of a registered establishment shall send annually a return in Form XXV (in duplicate) so as to reach the Registering Officer concerned not later than the 15th February following the end of the year to which it relates.

83. (1) The Board, Committee, Labour Commissioner, Himachal Pradesh or the Inspector or any other authority under the Act shall have powers to call for any information or statistics in relation to contract labour from any contractor or principal employer at any time by an order in writing.

(2) Any person called upon to furnish the information under sub-rule (1) shall be legally bound to do so.

FORM I

[See rule 17 (1)]

APPLICATION FOR REGISTRATION OF ESTABLISHMENTS EMPLOYING CONTRACT LABOUR

1. Name and location of the establishment.
2. Postal address of the establishment.
3. Full name and address of the principal employer (furnish father's name in the case of individuals).
4. Full name and address of the manager or person responsible for the supervision and control of the establishment.
5. Nature of work carried on in the establishment.
6. Particulars of contractors and contract labour:
 - (a) names and addresses of contractors;

- (b) nature of work in which contract labour is employed or is to be employed;
- (c) maximum number of contract labour to be employed on any day through each contractor;
- (d) estimated date of termination of employment of contract labour under each contractor.

7. Particulars of treasury receipt enclosed.....
 (Name of the Treasury, amount and date).

I, hereby declare that the particulars given above are true to the best of my knowledge and belief.

Date of receipt of application.

Principal Employer.
 Seal and Stamp.

Office of the Registering Officer.

FORM II
 [See rule 18 (1)]
 CERTIFICATE OF REGISTRATION

No..... Dated.....

GOVERNMENT OF HIMACHAL PRADESH
 LABOUR DEPARTMENT

OFFICE OF THE REGISTERING OFFICER

A Certificate of Registration containing the following particulars is hereby granted under sub-section (2) of section 7 of the Contract Labour (Regulation and Abolition) Act, 1970, and the rules made thereunder, to

1. Nature of work carried on in the establishment.
2. Names and addresses of contractors.
3. Nature of work in which contract labour is employed or is to be employed.
4. Maximum number of contract labour to be employed on any day through each contractor.
5. Other particulars relevant to the employment of contract labour.

*Signature of Registering Officer,
 with Seal*

FORM III
 [See rule 18 (3)]
 REGISTER OF ESTABLISHMENTS

1. Sl. No.
2. Registration number and date.
3. Name and address of the establishment registered.
4. Name of the principal employer and his address.
5. Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment.
6. Total number of workmen directly employed.
7. Name and address of contractor.

PARTICULARS OF CONTRACTOR AND CONTRACT LABOUR

8. Nature of work in which contract labour is employed or is to be employed.
9. Maximum number of contract labour to be employed on any day.
10. Probable duration of employment of contract labour.
11. Remarks.

FORM IV

[See rule 21 (1)]

APPLICATION FOR LICENCE

1. Name and address of the contractor (including his father's name in case of individuals).
2. Date of birth and age (in case of individuals).
3. Particulars of establishment where contract labour is to be employed:—
 - (a) name and address of the establishment;
 - (b) type of business, trade, industry, manufacture or occupation, which is carried on in the establishment;
 - (c) number and date of certificate of registration of the establishment under the Act;
 - (d) name and address of the principal employer.
4. Particulars of contract labour:—
 - (a) nature of work in which contract labour is employed or is to be employed in the establishment;
 - (b) duration of the proposed contract work (give particulars of proposed date of commencing and ending);
 - (c) name and address of the agent or manager of contractor at the work site;
 - (d) maximum number of contract labour proposed to be employed in the establishment on any date.
5. Whether the contractor was convicted of any offence within the preceding five years. If so, give details.
6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order.
7. Whether the contractor has worked in any other establishment within the past five years. If so, give details of the principal employer, establishments and nature of work.
8. Whether a certificate by the principal employer in Form V is enclosed.
9. Amount of licence fee paid—No. of treasury challan and date.
10. Amount of security deposit—treasury receipt number and date.

Declaration.—I hereby declare that the details given above are correct to the best of my knowledge and belief.

Place.....

Signature of the applicant

Date.....

(Contractor)

Note.—The application should be accompanied by a treasury receipt for the appropriate amount and a certificate in Form V from the Principal Employer.

(To be filled in the office of the Licensing Officer)

Date of receipt of the application with challan for fees/security deposit.

Signature of the Licensing Officer.

FORM V

[See rule 21 (2)]

FORM OF CERTIFICATE BY PRINCIPAL EMPLOYER

Certified that I have engaged the applicant (name of the Contractor) as a Contractor in my establishment. I undertake to be bound by all the provisions of the Contract Labour (Regulation and Abolition), Act, 1970 and the Contract Labour (Regulation and Abolition) Himachal Pradesh Rules, 1971, in so far as the provisions are applicable to me in respect of the employment of contract labour by the applicant in my establishment.

Place.....
Date.....*Signature of Principal Employer.*
Name and address of Establishment.

FORM VI

[See rule 25 (1)]

GOVERNMENT OF HIMACHAL PRADESH
OFFICE OF LICENSING OFFICER

Licence No..... Dated..... Fee paid Rs.....

LICENCE

Licence is hereby granted to..... under section 12 (1) of the Contract Labour (Regulation and Abolition) Act, 1970, subject to the conditions specified in Annexure.

The Licence shall remain in force till.....

Date.....

*Signature and Seal of the
Licensing Officer.*RENEWAL
(Rule 29)

Date of Renewal	Fee paid for renewal	Date of expiry
1.		
2.		
3.		
4.		

Date.....

Signature and seal of the Officer.

ANNEXURE

The Licence is subject to the following conditions:—

1. The Licence shall be non-transferable.
2. The number of workmen employed as contract labour in the establishment shall not on any date, exceed.....
3. Except as provided in the rules the fees paid for the grant, or as the case may be, for renewal of the Licence shall be non-refundable.
4. The rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed for the Schedule of Employment under the Minimum Wages Act, 1948, where applicable, and where the rates have been fixed by agreement, settlement or award, not less than the rates fixed.

5. In cases where the workmen employed by the contractor perform same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment of the same or similar kind of works provided that in the case of any disagreement with regard to the type of work the same shall be decided by the Labour Commissioner, Himachal Pradesh whose decision shall be final.
6. In other cases the wage rates, holidays, hours of work and conditions of service of the workmen of the contractor shall be such as may be specified in this behalf by the Labour Commissioner, Himachal Pradesh.
7. In every establishment where 20 or more women are ordinarily employed as contract labour there shall be provided 2 rooms of reasonable dimensions for the use of their children under the age of six years. One of such rooms would be used as a play room for the children and the other as bed room for the children. For this purpose the contractor shall supply adequate number of toys and games in the play room and sufficient number of cots and beddings in the sleeping room. The standard of construction and maintenance of the creches may be such as may be specified in this behalf by the Labour Commissioner, Himachal Pradesh.
8. The license shall notify any change in the number of workmen or the conditions of work to the Licensing Officer.

FORM VII

[See rule 29 (2)]

APPLICATION FOR RENEWAL OF LICENCE

1. Name and address of the contractor.
2. Number and date of the licence.
3. Date of expiry of the previous licence.
4. Whether the licence of the contractor was suspended or revoked.
5. Number and date of the treasury receipt enclosed.

Place.....

Signature of the Applicant.

Date

(To be filled in the Office of the Licensing Officer)

Date of receipt of the application
with Treasury Receipt No. and date.

Signature of the Licensing Officer.

FORM VIII

[See rule 32(2)]

APPLICATION FOR TEMPORARY REGISTRATION OF ESTABLISHMENTS EMPLOYING CONTRACT LABOUR

1. Name and location of the establishment.
2. Postal address of the establishment.
3. Full name and address of the principal employer (furnish father's name in the case of individuals).

4. Full name and address of the manager or person responsible for the supervision and control of the establishment.
5. Nature of work carried on in the establishment.
6. Particulars of contract labour:
 - A. Nature of work in which contract labour is to be employed and reasons for urgency.
 - B. Maximum number of contract labour to be employed on any day.
 - C. Estimated date of termination of employment of contract labour.
7. Particulars of treasury receipt or the crossed postal order enclosed.

I hereby declare that the particulars given above are true to the best of my knowledge and belief.

Principal Employer.
Seal and Stamp.

(To be filled in the Office of the Licensing Officer)

Time and date of receipt of application with
Treasury Receipt or the Crossed Postal Order.

Office of the Registering Officer.

FORM IX

[See rule 32 (3)]

Date of Expiry.....

TEMPORARY CERTIFICATE OF REGISTRATION

No.....

Date.....

GOVERNMENT OF HIMACHAL PRADESH OFFICE OF THE LICENSING OFFICER

A Temporary Certificate of Registration containing the following particulars is hereby granted under sub-section (2) of section 7 of the Contract Labour (Regulation and Abolition) Act, 1970, and the rules made thereunder to

Valid from..... to.....

1. Nature of work carried on in the establishment.
2. Nature of work in which contract labour is to be employed.
3. Maximum number of contract labour to be employed on any day.
4. Other particulars relevant to the employment of contract labour.

Signature of Registration Officer with Seal.

FORM X

[See rule 32 (2)]

APPLICATION FOR TEMPORARY LICENCE

1. Name and address of the contractor (including his father's name in case of individuals).
2. Date of birth and age (in case of individuals).
3. Particulars of establishment where contract labour is to be employed:—
 - (a) Name and address of the establishment.

- (b) Type of business, trade, industry, manufacture or occupation, which is carried on in the establishment.
 - (c) Name and address of the principal employer.
4. Particulars of contract labour:—
- (a) Nature of work in which contract labour is to be employed in the establishment;
 - (b) Duration of the proposed contract work (give particulars of proposed date of commencing and ending);
 - (c) Name and address of the agent or manager of contractor at the work-site;
 - (d) Maximum number of contract labour proposed to be employed in the establishment on any day.
5. Whether the contractor was convicted of any offence within the preceding five years. If so, give details.
6. Whether there was any order against the contractor revoking or suspending licence or forfeiting security deposits in respect of an earlier contract. If so, the date of such order.
7. Whether the contractor has worked in any other establishment within the past five years. If so, give details of the principal employer, establishments and nature of work.
8. Amount of licence fee paid—number of treasury challan or the crossed postal order and date.
9. Amount of security deposit—treasury receipt or crossed postal order, number and date.

I hereby declare that the particulars given above are true to the best of my knowledge and belief.

Place.....
Date.....

*Signature of the Applicant
(Contractor).*

(To be filled in the Office of the Licensing Officer)

Date of receipt of the application with
treasury challan for fees/security deposit.

Signature of the Licensing Officer.

FORM XI
[See rule 32 (3)]

GOVERNMENT OF HIMACHAL PRADESH
OFFICE OF LICENSING OFFICER

Licence No. Date Fee paid Rs.

Signature of the Licensing Officer.

Expires on.....

TEMPORARY LICENCE

Licence is hereby granted to..... under section 12 (2) of the Contract Labour (Regulation and Abolition) Act, 1970 subject to the conditions specified in Annexure.

The Licence shall remain in force till.....

Date..... *Signature and Seal of the Licensing Officer.*

ANNEXURE

The licence is subject to the following conditions:—

1. The licence shall be non-transferable.
2. The number of workmen employed as contract labour in the establishment shall not, on any day exceed.....
3. Except as provided in the rules the fees paid for the grant of the licence shall be non-refundable.
4. The rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed in the Schedule of Employment under the Minimum Wages Act, 1948, where applicable; and where the rates have been fixed by agreement, settlement or award, not less than the rates fixed.
5. In cases where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work: provided that in the case of any disagreement with regard to the type of work the same shall be decided by the Labour Commissioner, Himachal Pradesh whose decision shall be final.
6. In other cases the wage rates, holidays, hours of work and conditions of service of the workmen of the contractor shall be such as may be specified in this behalf by the Labour Commissioner, Himachal Pradesh.

FORM XII

(See rule 74)

REGISTER OF CONTRACTORS

- (1) Name and address of the principal employer.....
- (2) Name, address of the establishment.....

Sl. No.	Name and address of contractor	Nature of work on contract	Location of contract work	Period of contract		Maximum No. of workmen employed by contractor
				From	To	
1	2	3	4	5	6	7

FORM XIII

(See rule 75)

REGISTER OF WORKMEN EMPLOYED BY CONTRACTOR

Name and address of contractor.....

Name and address of establishment in/under which contract is carried on.....

Nature and location of work.....

Name and address of principal employer.....

Sl. No.	Name and surname of workman	Age and sex	Father's/ Husband's Name	Nature of employment/ designation	Permanent home address of work- man (village and Tehsil/Taluk and District)
1	2	3	4	5	6

Local address	Date of commencement of employ- ment	Date of commencement of employ- ment	Signature or Thumb impres- sion of work- man	Date of ter- mination of employment	Reason for termination	Remarks
7	8	9	10	11	12	

FORM XIV

(See rule 76)

EMPLOYMENT CARD

Name and address of contractor.....

Name and address of establishment in/under which contract is carried on.....

Nature of work and location of work.....

Name and address of principal employer.....

1. Name of the workman.
2. Serial number in the register of workmen employed.
3. Nature of employment/designation.
4. Wage rate (with particulars of unit, in case of piece-work).
5. Wage period.
6. Tenure of employment.
7. Remarks.

Signature of Contractor.

FORM XV
(See rule 77)
SERVICE CERTIFICATE

Name and address of contractor.....
 Name and address of establishment in/under which contract is carried on.....
 Nature and location of work.....
 Name and address of the workman.....
 Name and address of principal employer.....
 Age or date of birth.....
 Identification marks.....
 Father's/Husband's name.....

Total period for
which employed

Sl. No.			Nature of work done	Rate of wage (with particular of unit in case of piece work)	Remarks
	From	To			
1	2	3	4	5	6

Signature.....

FORM XVI
[See rule 78 (2)(a)]
MUSTER ROLL

Name and address of contractor.....
 Name and address of establishment in/under which contract is carried on.....
 Nature and location of work.....
 Name and address of principal employer.....
 For the month of.....

Sl. No.	Name of workman	Father's/Husband's name	Sex	Dates					Remarks
				1	2	3	4	5	

FORM XVII

[See rule 78 (2)(a)]

Name and address of contractor.....
 Name and address of establishment in/under which contract is carried on.....
 Nature and location of work.....
 Name and address of principal employer.....

Wage period: Monthly

Sl. No.	Name of workman	Serial number in the register of workmen	Designation/ nature of work done	No. of days worked	Units of work done
1	2	3	4	5	6

Daily rate of wages/ piece rate	Amount of wages earned			Other cash payments (Nature of payments to be indicated)	Total
	Basic wages	Dearness allowance	Over- time		
7	8	9	10	11	12

Deductions if any (indicate nature)	Net amount paid	Signature/thumb impression of workman	Initial of contractor or his representative
13	14	15	16

FORM XVIII

[See rule 78 (2)(a)]

FORM OF REGISTER OF WAGES-CUM-MUSTER ROLL

Name and address of contractor.....

Name and address of establishment in/under which contract is carried on.....

Name and address of principal employer.....

Wage period: Weekly/Fortnightly.

From..... To.....

Nature and location of work.....

Sl. No.	Sl. No. in register of workmen	Name of employee	Designation/ nature of work	Daily attendance/ units worked		
				1	2	15
1	2	3	4	1	2	5

Amount of wages earned

Total atten- dances/ units of work done	Daily rate of wages piece rate	Basic wages	Dearness allowance	Over- time	Other cash payments (nature of pay- ments to be indicated)
6	7	8	9	10	11

Total	Deductions, if any (indicate nature)	Net amount paid	Signature/ thumb impression of workman	Initials of contractor or his representatives
12	13	14	15	16

FORM XIX
[See rule 78 (2)(b)]
WAGE SLIP

Name and address of contractor.....
Name and father's/husband's name of the workman.....
Nature and location of work.....
For the week/fortnight/month ending.....
1. Number of days worked.....
2. Number of units worked in case of piece rate workers.....
3. Rate of daily wages/piece rate.....
4. Amount of overtime wages.....
5. Gross wages payable.....
6. Deductions, if any.....
7. Net amount of wages paid.....

Initials of the contractor or his representative.

FORM XX
[See rule 78 (2)(d)]

REGISTER OF DEDUCTIONS FOR DAMAGE OR LOSS

Name and address of contractor.....
Name and address of establishment in/under which contract is carried on.....
Name and address of principal employer.....
Nature and location of work.....

Sl. No.	Name of workman 2	Father's/ husband's name 3	Designation/ nature of employment 4	Particulars of damage or loss 5
1				

Date of damage or loss 6	Whether workman showed cause against deduction 7	Name of person in whose pre- sence employee's explanation was heard 8	Amount of deduction imposed 9	No. of instalments 10

Date of recovery

First instalment 11	Last instalment 12	Remarks 13

FORM XXI
 [See rule 78 (2)(d)]
REGISTER OF FINES

Name and address of contractor.....
 Name and address of establishment in/under which contract is carried on.....
 Name and address of principal employer.....
 Nature and location of work.....

Sl. No.	Name of workman	Father's/ husband's name	Designation/ nature of employment	Act/omis- sion for which fine imposed	Date of offence
1	2	3	4	5	6

Whether workman showed cause against fine	Name of person in whose presence employee's explanation was heard	Wage periods and wage payable	Amount of fine imposed	Date on which fine realised	Remarks
7	8	9	10	11	12

FORM XXII
 [See rule 78 (2)(d)]
REGISTER OF ADVANCES

Name and address of contractor.....
 Name and address of establishment in/under which contract is carried on.....
 Nature and location of work.....
 Name and address of principal employer.....

Sl. No.	Name	Father's/ husband's name	Nature of employment/ designation	Wage period and wages payable	Date and amount of advance given
1	2	3	4	5	6

Purpose(s) for which advances made	No. of instal- ments by which advance to be repaid	Date and amount of each instalment to be repaid	Date on which last instalment was repaid	Remarks
7	8	9	10	11
.....

■ FORM XXIII

[See rule 78 (2)(e)]

REGISTER OF OVERTIME

Name and address of contractor.....

Name and address of establishment in/under which contract is carried on.....

Nature and location of work.....

Name and address of principal employer.....

Sl. No.	Name of workman	Father's/ husband's name	Sex	Designation/ nature of employment	Dates on which over- time worked
1	2	3	4	5	6
.....

Total over- time worked or production in case of piece rated	Normal rate of wages	Overtime rate of wages	Overtime earnings	Date on which over time wages paid	Remarks
7	8	9	10	11	12
.....

FORM XXIV
[See rule 82(1)]

RETURN TO BE SENT BY THE CONTRACTOR TO THE LICENSING OFFICER

Half year ending.....

1. Name and address of the contractor.....
2. Name and address of the establishment.....
3. Name and address of the principal employer.....
4. Duration of contract: From..... To.....
5. Number of days during the half year on which—
 - (a) The establishment of the principal employer has worked.....
 - (b) The contractor's establishment had worked.....
6. Maximum number of contract labour employed on any day during the half year—

Men	Women	Children	Total
-----	-------	----------	-------

7. (i) Daily hours of work and spread over.
- (ii) (a) Whether weekly holiday observed and on what day.
- (b) If so, whether it was paid for.
- (iii) Number of man hours of overtime worked.

8. Number of man-days worked by—

Men	Women	Children	Total
-----	-------	----------	-------

9. Amount of wages paid:—

Men	Women	Children	Total
-----	-------	----------	-------

10. Amount of deductions from wages, if any—

Men	Women	Children	Total
-----	-------	----------	-------

11. Whether the following have been provided—

(i) Canteen.....
(ii) Rest rooms.....
(iii) Drinking water.....
(iv) Crèches.....
(v) First aid.....

(If the answer is "Yes" state briefly standards provided).

Place.....

Signature of Contractor.

Date.....

FORM XXV

[See rule 82 (2)]

ANNUAL RETURN OF PRINCIPAL EMPLOYER TO BE SENT TO THE REGISTERING OFFICER

Year ending 31st December,.....

1. Full name and address of the principal employer.
2. Name of establishment—
 - (a) District.
 - (b) Postal address.
 - (c) Nature of operations/industry/work carried on.
3. Full name of the manager or person responsible for supervision and control of the establishment.

4. Number of contractors who worked in the establishment during the year (give details in Annexure).
5. Nature of work/operations on which contract labour was employed.
6. Total number of days during the year on which contract labour was employed.
7. Total number of man-days worked by contract labour during the year.
8. Maximum No. of workmen employed directly on any day during the years.
9. Total No. of days during the year on which direct labour was employed.
10. Total No. of man-days worked by directly employed workmen.
11. Change, if any, in the management of the establishment, its location, or any other particulars furnished to the Registering Officer in the application for registration indicating also dates.

Place:

Date:

Principal Employer.

ANNEXURE

Name and address of the contractor	Period of contract		Nature of work	Maximum No. of workers employed by each contractor	No. of days worked	No. of man-days worked
	From	To				
1	2	3	4	5	6	7

By order,
P. K. MATTOO,
Secretary.